

LEE & STERBA, P.C.

Attorneys and Counselors at Law

1101 WILSON BOULEVARD
SUITE 2000
ARLINGTON, VIRGINIA 22209TELEPHONE 703.525.0978
FACSIMILE 703.525.4265
www.lee-iplaw.com

FACSIMILE TRANSMITTAL SHEET

TO: EXAMINER ULLAH

FROM: SUSAN MORSE

COMPANY: US PATENT & TRADEMARK OFFICE

DATE: JUNE 17, 2004

Group Art Unit 2874

FAX NUMBER: 571.273.2361

TOTAL NO. OF PAGES INCL. COVER: 3

PHONE NUMBER: 571.272.2361

YOUR REFERENCE NUMBER: 10/698,632

CC:

OUR REFERENCE NUMBER: 280/071

 URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

please Enter
this document
Ex. Ullah
6/21/04

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED FOR THE NAMED RECIPIENTS ONLY. IT MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION AND IF YOU ARE NOT AN INTENDED RECIPIENT, YOU MUST NOT COPY, DISTRIBUTE OR TAKE ANY ACTION IN RELIANCE ON IT. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY A COLLECT TELEPHONE CALL TO (703) 525-0978 AND RETURN THE ORIGINAL TO THE SENDER BY MAIL. WE WILL REIMBURSE YOU FOR THE POSTAGE.

Attached please find the response to the written opinion. Note that in the search report, the references were not indicated as relevant to original claims 3, 7 and 10. In the US, claim 1 is original claim 3 rewritten in independent form and replacing "desired" with -- design. -- Claim 7 and 10 parallel original claims 7 and 10, also with "desired" replacing --design. -- In the International Preliminary Examination Report, forwarded previously, claims 1, 7 and 10 were no longer rejected over prior art, as set forth in Item III therein. Claims 12-27 remained rejected over the Japanese reference. In the pending US claims, claim 12 includes the limitation that at least two micro-optic elements are formed, thus addressing the concern that the desired number used previously could mean one or zero, as set forth in item V. Please let me know if you need anything else. Thank you.

Susan Morse

LEE & STERBA, P.C.

D0C.071PCT

VIA FACSIMILE - 011 31 70 340 3016
IN THE INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY
IPEA/EP

Applicant: **DIGITAL OPTICS CORPORATION**

International
Application No.: **PCT/US01/20033**

International
Filing Date: **22 JUN 2001**

For: **Compensation and/or Variation of Wafer Level Produced Lenses and Resultant Structures**

Letter

European Patent Office
International Preliminary Examining Authority
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Netherlands

17 December, 2002

Dear Colleagues:

In response to the Written Opinion dated 18 OCT 2002 in the above-identified application, a one month extension having been requested on 16 NOV 2002, Applicant provides the attached five (5) Substitute Sheets of Claims and the following comments.

REMARKS

Claims 1-27 are pending in the instant application.

Lack of Novelty over JP 0500841

Claims 1, 2, 4-6, 9, 13-17, 1902 and 24-27 were indicated as lacking novelty over JP 0500841. The now independent claims 1, 7, 10 and 12 have been amended in order to more clearly recite the present invention. It is respectfully submitted that these clarified claims are indeed allowable over JP 0500841 for at least the reasons set forth below.

Regarding the apparatus claims, the limitations of claim 3 has been incorporated into claim 1, and claims 7 and 10 have been rewritten in independent form. Claims 2 and 3 have been amended to depend from claim 7. The claims 3, 7 and 10 were not indicated as either lacking novelty or an inventive step. Therefore, it is respectfully submitted that the claims are allowable. The remaining component claims depend from respective ones of these independent claims.

International Serial No.: PCT/US01/20033

-2-

Regarding the method claims, claim 12 has been amended to more clearly recite that the separation involves creation of a component having both a refractive element and a compensation features. JP 0500841 is directed to compensating for an array already in its form to be used. There is no apparent disclosure or suggestion therein of separating this array into constituent components. In contrast, the present invention as set forth in claim 12 allows creation and compensation on a wafer level before being separated for an end configuration. Therefore, it is respectfully submitted that claim 12 is allowable. The method claims depend from claim 12 and are believed to be allowable for at least the reasons regarding claim 12.

Lack of Novelty over Gal

Claims 1, 2 and 5 were indicated as lacking novelty over Gal. The limitations of claim 3 has been incorporated into claim 1 and claim 7 has been rewritten in independent form. Claims 2 and 3 have been amended to depend from claim 7. Claims 3 and 7 were not indicated as either lacking novelty or an inventive step. Therefore, it is respectfully submitted that the claims are allowable.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims are novel and contain an inventive step.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Susan S. Morse (Reg. No. 35,292) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

Accordingly, further and favorable action is requested.

Respectfully submitted,

DIGITAL OPTICS CORPORATION

By:


Susan S. Morse
Reg. No. 35,292

DIGITAL OPTICS CORPORATION
9815 David Taylor Drive
Charlotte, NC 28262
Tel: (703)715-0870
Fax: (703) 715-0877